

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012021082

ORDER GRANTING STUDENT'S
PEREMPTORY CHALLENGE AND
CONTINUING PREHEARING
CONFERENCE

On September 10, 2012, just prior to the start of the telephonic prehearing conference, Student filed a peremptory challenge, seeking to disqualify Administrative Law Judge (ALJ) Carla L. Garrett from hearing this case.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).) Student's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). The ALJ assigned for hearing is now ALJ Clara L. Slifkin.

Because the PHC was delayed to give Student time to file a written peremptory challenge, the PHC is continued to 10:00 AM on September 12, 2012.

IT IS SO ORDERED.

Dated: September 10, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings